

MINUTES  
TOWN OF FREDERICK  
BOARD OF TRUSTEES  
Frederick Town Hall  
October 27, 2009  
7:00 p.m.

Attendance: Mayor Eric Doering, Mayor Pro Tem Sue Wedel, Trustees Gerry Pfirsch, Tony Carey, Liberta Hattel, Jim Wollack and Amy Schiers. Also present were Town Administrator Derek Todd, Town Attorney Rick Samson, Town Clerk Nanette Fornof, and Planning Director Jennifer Simmons. Audience was also present.

**ROLL CALL** Mayor Doering called the regular meeting to order at 7:00 p.m.; roll call was taken and all Trustees were present.

**PLEDGE OF ALLEGIANCE** Mayor Doering led the audience in the Pledge of Allegiance.

**ADDITIONS OR DELETIONS TO THE AGENDA** AM 2009-102, To Consider Adopting an Ordinance Amending the Frederick Municipal Code – Marijuana Dispensary and Growth Facility was removed from tonight's agenda.

**PUBLIC COMMENT**

**Connie Griffith** a resident of Frederick requested the Board consider some amendments to the single source contract with Waste Connections. Griffith indicated she is pleased with the curbside recycling program, however would like to have an "opt out" provision, to have Waste Connections administrator the billing and better pricing. She (Griffith) would like to see the contract be a win, win for both entities.

**Frederick Firestone Fire Protection District Quarterly Update** Dave Puccetti provided the Board with the 3rd Quarter Service Report, which included information about response times, average response times, response time overages, training summary, fire prevention summary and feedback program information.

**STAFF REPORTS**

**Administrative Report** Town Administrator, Derek Todd, provided the Board with the Administrative Report which highlighted the following items: Frederick Recreation Area, Phase One Update, and Upcoming Board of Trustees Work Session. The Engineering Department provided information about the DRCOG Transportation Advisory Committee (TAC), Eagle Business Park/U.S. Engineering and Building Division Activity. The Planning Department provided information about the Downtown Development Plan, Land Use Application Submittals and Bulrush Wetland Park Grand Opening. The Town Clerk Department provided information about the November 2009 Coordinated Election and the Municipal Clerks Association Tool Kit Project. Information regarding the Local Liquor License process, Summary of Investment's Annualized Return Net of Fees and new

Operating Fund Budget was provided to the Board. Trustee Carey would like additional information regarding the investment report. Trustee Carey asked if staff can obtain the same level of return on the Town's investments without paying broker fees.

**Town Attorney Report** Town Attorney Rick Samson provided the Board of Trustees with a written Status Report and indicated the Town of Erie has submitted their opening brief to the court of appeals and the Town of Frederick needs to provide the rebuttal by the end of November.

## **ACTION AGENDA**

**AM 2009-102, To Consider Adopting an Ordinance Amending the Frederick Municipal Code – Marijuana Dispensary and Growth Facility** was removed from tonight's agenda.

**AM 2009-101, Special Use Review for 13 Proposed Oil and Gas Wells (Anadarko/Kerr-McGee: Nelson 2, 3, 4, 5, 6, 7, 8, 21, 22, 24, 28, 30 and 41 in Section 35** Anadarko/Kerr-McGee requests approval for the construction of thirteen new directional oil and natural gas wells and ancillary facilities on the Nelson property. Upon implementation of specific conditions, the request can comply with the provisions of the Land Use Code and adhere to the policies of the Comprehensive Plan. Kerr-McGee is requesting the Special Use by Review permits; however Anadarko is the parent company and Anadarko has an outstanding inspection fee balance on two of the wells requesting Review. According to Section 4.11.5a (2) of the Land Use Code, approval may only be granted by the Board of Trustees for proposed oil and natural gas facilities when there are outstanding balances for inspection fees. Planning Department staff provided detailed information regarding the surrounding property zoning, referrals, proper notice and the Review Criteria. There were seven conditions the Board of Trustees added as part of approval of the Special Use by Review. Motion by Trustee Wollack to approve Resolution 09R035, A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, GRANTING A SPECIAL USE PERMIT FOR THE NELSON 2, 3, 4, 5, 6, 7, 8, 21, 22, 24, 28 30 AND 41 -35 WELLS, LOCATED IN THE N ½ OF SECTION 35, TOWNSHIP 2 NORTH, RANGE 68 WEST OF THE 6<sup>TH</sup> P.M., TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO, with the seven conditions defined in the staff report. An amendment to the motion by Trustee Pfirsch to include the Special Use by Review permits wouldn't be issued until the fencing issue is addressed and past due inspection fees are current. The amendment to the motion died due to a lack of a second. Mayor Pro Tem Wedel seconded the original motion and motion carried with Trustee Pfirsch voting "nay" to the motion.

## **CONSENT AGENDA**

Motion by Trustee Pfirsch to approve the Consent Agenda with the following items; Approval of the List of Warrants for October 27, 2009, October 6, 2009, Special Meeting Minutes, October 13, 2009, Special Meeting Minutes and October 13, 2009, Regular Meeting Minutes, Trustee Schiers seconded the motion and motion carried unanimously.

## **MAYOR AND BOARD REPORTS**

**Trustee Carey** indicated the Town's Tree Program was wonderful.

**Trustee Hattel** was impressed with the Bulrush Wetlands and enjoyed the Grand Opening.

**Trustee Pfirsch** indicated the Weld County Road 11 and Highway 52 road project is part of the DRCOG funded project for Year 2010.

**Trustee Schiers** made comment about the Frederick Tree Project, City of Dacono Mayor Calson's proclamation, Frederick High School Band making it to State Competition, Bulrush Wetlands Grand Opening and leaving early on the night of the November 3, 2009, Work Session.

**Trustee Wollack** made comment about the letter received from Ginny Shaw, Miners' Day accounts payable and thanks to everyone who made Bulrush Wetlands a great point of interest.

**Mayor Pro Tem Wedel** echoed the comments about the Frederick Tree Project, apologized for not attending the Bulrush Wetlands Grand Opening and would like information about the Overweight Vehicle Permits.

**Mayor Doering** made mention about City of Dacono, Mayor Carlson's Proclamation, discussion with Town of Erie, Mayor Moore, and the change of Postal Service letter signed by all Trustees and copies sent to the Town of Firestone.

Mayor Doering also requested the Board's opinion regarding the possibility of holding Town Board listening tour. The Town Board would attend four to five different venues to listen to the citizens concerns. The consensus of the Board was to proceed with defining the logistics; more information will be given at a later date.

There being no further discussion, Mayor Doering closed the regular meeting at 8:14p.m.

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Nanette S. Fornof, Town Clerk

Approved by the Board of Trustees

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Eric E. Doering, Mayor